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productivity. Mr. Davenport's aim is "to furnish to progressive social workers that ultimate basis in economic theory which is theirs by right of truth" (p. 528). He is not able to set forth "the economics of a new political and social program" (p. vi); but he does give an illuminating practical suggestion: most of the serious problems in a competitive society "sum up into one great and inclusive problem, how to limit the receipt of private income to the rendering of social service" (p. 416).

Advertisements state that Mr. Davenport plans to use this book as a text in his own classes. The typographical make-up, the frequent repetitions, and the striving after picturesque phrases may all be excused by this design—though not the misprints which mar so many pages. It is doubtful, however, whether undergraduate students not familiar with the views which are criticised will understand the book. Its most interested readers will be economists steeped in theory. They may be startled by Mr. Davenport's doctrines; but they will admire the intellectual vigor and the courageous self-reliance revealed by his work.

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The Theory of Social Revolutions. By BROOKS ADAMS. (New York: The Macmillan Company. 1913. Pp. vii, 240. \$1.25.)

Whether calling out violent protest or grateful recognition of a new and helpful point of view, anything that Mr. Brooks Adams writes is bound to be of interest and to demand serious attention. There are many details in this little volume on the theory of social revolutions which tempt one to a more extended discussion than is possible within the limits of a review. Three general lines of thought, however, require special mention—namely, his theory of revolution, his review of the action of American courts as political or legislative bodies, and his inferences as to the future.

Beneath a theory of revolutions must lie a consideration of the nature of a political constitution. This consideration is not given explicit form in Mr. Adams' book, but is implicit throughout. It comes very close to the theory advanced in Lasalle's famous essay "*Ueber Verfassungswesen*." Indeed, it was only a few years ago that the faculty of the Boston University Law School felt called upon to issue a formal statement representing the views of the faculty as to the nature of law under a constitutional government,

and in this statement we may believe that Mr. Adams' influence played an important part. Previous essays of his have dealt with the subject more specifically. Fundamentally, the idea is that the law is not primarily a body of reasoned principles, but is an expression of the relative dominance of different social forces existing at any time. This is close to Lasalle's theory of *Machtverhältnisse*. Thus a written constitution at any time is vital and compelling in its influence only if it is a real expression of existing power relations. As the equilibrium of social forces changes, the constitution can only remain vital by a shifting interpretation on the part of the final courts. The court may be of such a temper as to attempt to resist these irresistible changes, but in such case it only paves the way to its own destruction and to a more violent rearrangement in the end. This theory is not stated anywhere as a general thesis, but, as said above, is implicit throughout the argument. It is an interpretation of political and legal history which deserves much more recognition than has been given to it by the leading legal writers in this country.

In coming to the second point we are on ground which has been much discussed of late. Mr. Dooley once remarked to Mr. Hennessey, "I don't know whether the trade follows the flag, but I know that the Supreme Court follows the election returns." Of course, Mr. Adams would make no such sweeping or flippant generalizations. The quotation, however, suggests a popular impression or, as the author might be more inclined to say, since the court has not followed the trend of popular opinion it is in danger of losing its prestige and finally, perhaps, its power. To read Mr. Adams' pages alone would give the impression that at all critical times the court had acted in a political or legislative capacity. He says, for instance, speaking of the American judge: "His instinct under adequate pressure is always to over-rule anything repugnant to him that a legitimate legislative assembly may have done." The important cases which he cites are impressive, but are, on the whole, few in number and have already been pretty well discussed. A reader should exercise great caution in reading this portion of the book, since the imposing array in opposition to this contention is not considered at all. Any thoughtful person must expect a judge to be human and to be in some measure swayed quite honestly and unconsciously by his general social viewpoint. Furthermore, in a long history it is to be expected that even the highest courts should sometimes make radical mis-

takes, to be later corrected by equally radical reversals. To the reviewer it seems that the striking thing about the leading courts of the United States, over a period of a century and a quarter, is not that this political element has seemed sometimes to have entered into a judgment, but rather that the cases are so rare. Hundreds of instances could be cited in the matter of deciding the constitutionality of legislative acts of a vital nature where the courts have been utterly opposed to the policy adopted, but have firmly held that these were matters to be decided by the representatives of the people in legislature assembled and not by the opinions of the court. One gets a very one-sided view of what our judicial history has really been by the reading of Mr. Adams' pages alone. The fact is here as always that the whiter the whole page the more noticeable do a few bolts appear. To make courts purely judicial and free from political influence has been not only one of the great struggles of Anglo-Saxon history in the last two centuries, but has been as well one of its most splendid achievements when compared with earlier times or other races.

Finally, we may note that Mr. Adams' inferences from his discussion are of a solemn and pessimistic nature. His first chapter is entitled *The Collapse of Capitalistic Government*. At the close he comes to the conclusion that great administrative minds are needed and that "the extreme complexity of the administrative problems presented by modern industrial civilization is beyond the compass of the capitalistic mind." The demand for the "recall" of judges seems to him quite natural in view of the obstacle which he thinks the courts present to a new equilibrium of social forces. This new equilibrium he nowhere defines in definite terms. But the "recall" is as revolutionary, in his mind, as the methods used during the French Terror. Courts purged in this fashion would work as surely for a required purpose as did the tribunals of that day. He does not pretend to foresee the future, but he is not cheerful over the prospect of "political courts serving a malevolent majority." The conclusions are decidedly vague. They will probably appear to most readers grossly exaggerated in their alarmist attitude, but they will make many men think along lines hitherto novel to them, but essential to any understanding of a great transition period now in process.

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